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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

KERMIT LADALE SWAN,

Defendant and Appellant.

E036874

(Super.Ct.No. FWV032004)

OPINION

APPEAL from the Superior Court of San Bernardino County. Paul M. Bryant, Jr., Judge. Affirmed.

Beatrice Tillman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In a felony complaint filed by the District Attorney of San Bernardino County, Kermit Ladale Swan (defendant) was charged with two counts of violating Penal Code sections 666 (count 1, petty theft with priors) and 459 (count 2, second degree burglary),

and special allegations filed pursuant to Penal Code sections 1170.12, subdivisions (a) through (d), 667, subdivisions (b) through (i), and 667.5, subdivision (b).

On August 19, 2004, pursuant to Penal Code section 859a, defendant, represented by counsel, pled guilty to count 1 and he admitted the special allegations filed pursuant to Penal Code sections 1170.12, subdivisions (a) through (d), and 667, subdivisions (b) through (i). Defendant was thereafter committed to state prison for four years, less custody credits, and the term was ordered to run concurrently with any other state prison sentence. In the interests of justice, the remaining counts and special allegations were dismissed and stricken pursuant to Penal Code section 1385.

Defendant appealed and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case, a summary of the facts, and requesting this court to undertake a review of the entire record.

Defendant filed a one-page personal supplemental brief, which we have read and considered.

We have now concluded our independent review of the record and find no arguable issues.

The judgment is affirmed.

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RAMIREZ  
P. J.

We concur:

HOLLENHORST  
J.

GAUT  
J.